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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/534,550
Filing Date: May 09, 2005
Appellant(s): SIMON, LEE

Mr. Robert Hess
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 31, 2007 appealing from the Office action mailed April 10, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on December 7, 2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,572,984	Alden et al	11-1996
3,858,091	Wilkinson	12-1974

VENT MASTER Modular Distribution System (MDS)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5, 12, 21, and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,572,984 to Alden et al in view of USP 3,858,091 to Wilkinson and Vent Master Modular Distribution System (MDS).

Alden et al discloses a modular reconfigurable appliance receptacle comprising all the elements recited in the above listed claims including a plurality of interchangeable appliance units, such as shown in Fig 3, a frame divided into a plurality of areas to removably held an appliance unit in each area, at least one connector for connecting the appliance units to utilities as needed (col. 3, lines 44-49); wherein at least one of the appliance units is operatively and removably attached within the frame, and can be replace with another appliance unit; wherein the appliance units includes generally oven-shaped appliance units 24,28, and generally stove-top shaped appliance units 36. In regard to claim 3, figure 3 shows the frame can be connected to another frame adjacent thereto.

Alden et al discloses all the elements as discussed above except for clearly disclose a utility chassis configured and arranged within the frame, the utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, and decorative

covers removably attached to the frame and appliance units.

Wilkinson discloses a modular reconfigurable appliance receptacle comprising an appliance unit, a frame for holding an appliance unit, at least one connector 82 for connecting the appliance unit to utilities as needed in order to increase the versatility of the receptacle.

MDS teaches the idea of providing a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the MDS can include any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and condensate return line, etc. The MDS provides a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment.

Therefore, it would have been obvious to modify the structure of Alden et al by providing the modular reconfigurable appliance receptacle with a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the chassis include

any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and condensate return line, etc. in order to provide a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment, thereby increasing the versatility of the receptacle, as taught by Wilkinson and MDS, since the references teach alternate conventional reconfigurable appliance receptacle structure, used for the same intended purpose, thereby providing structure as claimed.

In regard to the decorative covers, the examiner takes the Official Notice that it is well known in the art to provide a cabinet frame with a decorative cover removably attached thereto for aesthetic purpose.

(10) Response to Argument

In response to appellant's arguments against the references individually regarding the rejection of claim 1, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). More specifically, Alden et al discloses a modular reconfigurable appliance receptacle comprising a plurality of interchangeable appliance units, such as shown in Fig 3, a frame divided into a plurality of areas to removably held an appliance unit in each area, at least one connector for connecting the appliance units to utilities as needed (col. 3, lines 44-49); wherein at least one of the appliance units is operatively and removably attached within the frame, and can be replace with another appliance unit; wherein the appliance units includes generally

oven-shaped appliance units 24,28, and generally stove-top shaped appliance units 36. In regard to claim 3, figure 3 shows the frame can be connected to another frame adjacent thereto. The differences between Alden et al and the claimed invention being that Alden et al fails to clearly disclose a utility chassis configured and arranged within the frame, with the utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, and decorative covers removably attached to the frame and appliance units.

However, Wilkinson discloses a modular reconfigurable appliance receptacle comprising an appliance unit, a frame for holding an appliance unit, at least one connector 82 for connecting the appliance unit to utilities as needed in order to increase the versatility of the receptacle. In addition, MDS teaches the idea of providing a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the MDS can include any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and

condensate return line, etc. The MDS provides a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment.

Therefore, it would have been obvious to modify the structure of Alden et al by providing the modular reconfigurable appliance receptacle with a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the chassis include any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and condensate return line, etc. in order to provide a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment, thereby increasing the versatility of the receptacle, as taught by Wilkinson and MDS, since the references teach alternate conventional reconfigurable appliance receptacle structure, used for the same intended purpose, thereby providing structure as claimed.

In response to appellant's arguments regarding the rejection of claims 3 & 4, the examiner respectfully takes the position that figure 3 of Alden et al shows the frame can be connected to another frame adjacent thereto.

In response to appellant's arguments regarding the rejection of claim 12, the examiner respectfully takes the position that Alden et al, as modified in view of

Wilkinson and MDS, meets the claimed limitations recited therein of the utility chassis being configured to provide access to utilities selected from the group consisting of electric, gas, water, etc.

In response to appellant's arguments regarding the rejection of claim 24, the examiner respectfully takes the position that Alden et al discloses a removable appliance cover 12, and the examiner takes the Official Notice that it is well known in the art to provide a cabinet frame with a decorative cover removably attached thereto for aesthetic purpose, thus meets the claimed limitations.

In response to appellant's arguments regarding the rejection of claims 31 & 32, the examiner respectfully takes the position that Alden et al, as modified, discloses a frame including a plurality of bays to receive a plurality of appliance units within said bays, thus meets the claimed limitations.

In response to appellant's argument regarding the rejection of claim 33, the examiner respectfully takes the position that Alden et al, as modified, meets the claimed limitations of the appliance unit accesses a plurality of utilities simultaneously via one of the clusters.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hanh V. Tran

Conferees:

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Meredith Petravick /mcp/

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/Lanna Mai/

Supervisory Patent Examiner, Art Unit 3637